

AMENDED IN ASSEMBLY MAY 7, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 920

Introduced by Assembly Member Brownley

February 22, 2007

An act to add Section 146g to the Penal Code, relating to ~~peace officers~~ *crime information*.

LEGISLATIVE COUNSEL’S DIGEST

AB 920, as amended, Brownley. ~~Peace officers: misuse of Crime information: disclosure: consideration.~~

Existing law ~~defines who may act with the authority of a peace officer prohibits the dissemination or disclosure of certain personal information of peace officers, as specified.~~

This bill would ~~make any peace officer who exchanges or solicits the disclosure, exchange, or the solicitation of the exchange of information obtained by the peace officer certain persons in the course and scope of the peace officer’s official duties for of a criminal investigation in return for compensation or consideration guilty of a misdemeanor punishable only by a fine, as specified.~~ This bill would also ~~make any person who solicits a peace officer to the solicitation of the exchange of information obtained by the peace officer certain persons in the course and scope of the peace officer’s official duties for of a criminal investigation in return for compensation or consideration guilty of a misdemeanor punishable only by a fine, as specified.~~ This bill would also ~~require, upon conviction, the forfeiture of monetary compensation received for the exchange of information, as specified.~~

Because this bill would create new crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 146g is added to the Penal Code, to read:
2 146g. (a) Any peace officer, as defined in Chapter 4.5
3 (commencing with Section 830) of Title 3 of Part 2, ~~who does~~
4 ~~either of the following is guilty of a misdemeanor~~ *an employee of*
5 *a law enforcement agency, an attorney as defined in Section 6125*
6 *of the Business and Professions Code, or any trial court employee*
7 *as defined in Section 71601 of the Government Code, who does*
8 ~~either of the following is guilty of a misdemeanor punishable only~~
9 ~~by a fine not to exceed one thousand dollars (\$1,000):~~
10 (1) ~~Discloses information obtained in the course and scope of~~
11 ~~his or her official duties in exchange for compensation or~~
12 ~~consideration.~~ *of a criminal investigation in exchange for*
13 *compensation or consideration prior to the expiration of 90 days*
14 *after a defendant enters a plea of guilty or nolo contendere, or a*
15 *determination of guilt is entered by a judge or jury, or prior to the*
16 *expiration of 90 days after a case is dismissed by a trial court or*
17 *judge, or following a decision by a prosecuting agency to not file*
18 *criminal charges.*
19 (2) ~~Solicits the exchange of information obtained in the course~~
20 ~~and scope of his or her official duties for compensation or~~
21 ~~consideration.~~ *of a criminal investigation for compensation or*
22 *consideration prior to the expiration of 90 days after a defendant*
23 *enters a plea of guilty or nolo contendere, or a determination of*
24 *guilt is entered by a judge or jury, or prior to the expiration of 90*
25 *days after a case is dismissed by a trial court or judge, or following*
26 *a decision by a prosecuting agency to not file criminal charges.*
27 (b) ~~Any person who solicits a peace officer any other person~~
28 ~~described in subdivision (a) to disclose information obtained in~~
29 ~~the course and scope of the peace officer's official duties in~~
30 ~~exchange for compensation or consideration, is guilty of a~~

1 ~~misdemeanor~~ of a criminal investigation in exchange for
2 compensation or consideration prior to the expiration of 90 days
3 after a defendant enters a plea of guilty or nolo contendere, or a
4 determination of guilt is entered by a judge or jury, or prior to the
5 expiration of 90 days after a case is dismissed by a trial court or
6 judge, or following a decision by a prosecuting agency to not file
7 criminal charges. Violation of this subdivision is a misdemeanor
8 punishable only by a fine not to exceed one thousand dollars
9 (\$1,000).

10 (c) Upon conviction of and in addition to the penalty prescribed
11 by either subdivision (a) or (b), the defendant shall forfeit any
12 monetary compensation received in violation of this section and
13 the money shall be deposited in the Victim Restitution Fund.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.